IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Review Petition St No. 23150 of 2006
in
Writ Petition No.3762 of 2006

The State of Maharashtra and ors Petitioners .
vs
Smt Rajesheree Rajaram Ghude & Ors. ..Respondents

Mr. C.R.Sonawane AGP for the Petitioners.
Mr. S.P.Thorat for respondent Zilla Parishad
Ms Jyoti Chavan for respondent Nos. 4 to 35

CORAM: H.L.GOKHALE, Acg C.J. ,
& J.H. BHATIA, J.
DATE: JANUARY 17, 2007.

P.C.:-

Heard Mr. Sonawane, learned AGP in support of the Review Petition. Ms Chavan appears for respondent Nos. 4 to 35 and Mr. Thorat appears for the Zilla Parishad. This review petition seeks to recall the order that we have passed on 7.7.2006 in Writ Petition No. 3762 of 2006. It prays that the main petition be heard once again and be decided on its own merits.

The order of which review was sought, was passed in the petition filed by the respondents. They were in all 37 lady workers in different villages of Shahapur and Murbad Taluka in District Thane for number of years as Balwadi

Sevikas. They appeared before the authority concerned for upgradation as Anganwadi Sevikas when an advertisement was issued on 11.1.2005 by the concerned authority incharge of Child Development Project of Murbad. They were all selected since they had necessary qualification. It however, so happened that subsequent to their interview the State Government appears to have come out with a Government Resolution dated 9.2.2005. The said resolution stated that ladies to be upgraded as Anganwadi Sevikas ought to have passed 8th std examination. Since they were not being appointed they had filed the petition and prayed for directions to respondent to appoint them as Anganwadi Sevikas.

The matter was fully heard. We also noted that paragraph 6 of the relevant manual of Integrated Child Development Services though laid down that Anganwadi Sevikas should atleast have passed 8th std examination, it thereafter states that where the candidates who have passed 8th std examination are not available, less educated or even illiterate or semi-illiterate but intelligent woman from the same village; may be appointed as Anganwadi Sevikas. Considering the guidelines and also considering the fact that all the petitioners concerned had passed 7th std examination, we allowed the petition. This

is also in view of the fact that the resolution of the government, which was being relied upon by the government, was passed subsequent to the interviews of the candidates concerned who also had the requisite experience of more than 2 years, except two candidates, as pointed out to us from the record at that point of time. Even in so far as these two candidates are concerned we permitted them to tender documents if they had any such documents of experience to point out to the concerned authority. Be that as it may. It view of what is noted by us we allowed; the petition. It is material to note that this upgradation took salary of lady workers from Rs.500/- to Rs. L400/-. We also noted that though another petition by an individual employee was rejected by another Division Bench i.e. Writ Petition No.6784 of 2005, that was a case where the concerned persons did not have the necessary qualification at all and we distinguished that order.

Mr.Sonawane relied upon grounds (f) and (g) of the review petition. Ground (f) states that some information was not available at the relevant time. However, what information is relied upon, is very difficult to find out from that ground. Similarly as far as ground (g) is concerned there is merit at all where it is stated that in the concerned talukas some

candidates were available who are having higher than the requisite qualification. What is material to note that the respondents herein had appeared for interview and they were selected. That being so they had legitimate expectation of being appointed to the concerned post.

We may as well note that the order which was passed on 7.7.2006 in Writ Petition No. 3762 of 2005 was carried to the Supreme Court by one Rajani Rajesh Nichite and ors and the Interim Relief Application No.1 of 2006 in S.L.P. No. 7939 of 2006 was dismissed by the Apex Court by observing that permission to file SLP is declined.

In the aforesaid circumstances there is no reason to interfere in this review petition and the same is dismissed.

ACTING CHIEF JUSTICE

J.H. BHATIA, J.